



County of Sonoma

State of California

Date: December 20, 2016

Item Number: _____

Resolution Number: _____



4/5 Vote Required

**Resolution of the Board of Supervisors of the County Of Sonoma, State Of California,
Approving an Amendment to Uniform Rules 2.0, 4.0, 7.0, and 8.0 of the Sonoma County
Uniform Rules for Agricultural Preserves and Farmland Security Zones**

Whereas, the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only for the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for residents of the state and the nation;

Whereas, the California Legislature enacted the California Land Conservation Act of 1965, also known as the Williamson Act, (Government Code §51200 et seq.), which authorizes counties to establish agricultural preserves and to enter into voluntary contracts with owners of qualifying land within the preserves to restrict the use of land to agricultural use, open space use, and uses compatible with agricultural or open space uses, in exchange for property tax savings;

Whereas, pursuant to the California Land Conservation Act, Government Code §51231, the Board of Supervisors shall adopt uniform rules to govern the administration of the County's agricultural preserve program;

Whereas, the Board of Supervisors, after making certain findings under Government Code Section 51238.1, may list in its uniform rules certain uses of contracted land as uses that are compatible with the agricultural use of contracted lands;

Whereas, consistent with Government Code Section 51220.5, in determining the type of uses to be deemed "compatible uses," the Board of Supervisors recognizes that the Legislature has found that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area;

Whereas, on December 13, 2011, by Resolution Number 11-0678, the Sonoma County Board of Supervisors adopted updated Uniform Rules for Agricultural Preserves and

Farmland Security Zones ("Uniform Rules") to govern local administration of the County's agricultural preserve program;

Whereas, since December 2011, the Board of Supervisors amended the Uniform Rules twice: first on July 31, 2012, by Resolution Number 12-0379; and again on May 7, 2013, by Resolution Number 13-0186;

Whereas, the Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. There is no federal exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes;

Whereas, in 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act," codified as Health and Safety Code Section 11362.5, which was intended to decriminalize cultivation and possession of medical marijuana under certain circumstances;

Whereas, the State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996;

Whereas, on November 8, 2016 the voters of California adopted Proposition 64 which legalized the use of cannabis for adult use and established maximum cultivation allowance of 6 plants for personal use. The Proposition allows for local control of adult use cannabis land uses, and reasonable regulation of personal cultivation of up to 6 plants within a residence;

Whereas, the Board of Supervisors presently desires to amend the Uniform Rules to exclude the cultivation of cannabis as an allowed or qualifying "agricultural use" of land restricted by a Land Conservation contract;

Whereas, the Board of Supervisors presently desires to amend the Uniform Rules to include the cultivation of cannabis as an allowed "compatible use" on land restricted by a Land Conservation Act contract;

Now, Therefore, Be It Resolved that the Board of Supervisors finds that the foregoing recitals are true and correct; and

Be It Further Resolved that Board of Supervisors finds that excluding cannabis cultivation from the Uniform Rules' definition of "agricultural use," is desirable and will appropriately tailor Sonoma County's agricultural preserve program to meet local, regional, state, and national needs for assuring adequate, healthful and nutritious food for future residences; and

Be It Further Resolved that the Board of Supervisors makes the following findings concerning the use of contracted land for cannabis cultivation, where the land qualifies for a Land Conservation Contract based on qualifying agricultural use of the land:

1. The use will not significantly compromise the long-term productive agricultural capability of contracted lands in agricultural preserves in Sonoma County because the current requirement that contracted land must be devoted to agricultural use will remain unchanged, and because the area that all compatible uses may collectively occupy for any parcel of agricultural contracted land is limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on contracted lands in agricultural preserves because the Uniform Rules limit the area that all compatible uses may collectively occupy for any parcel of contracted land is limited to 5 acres or 15% of the land, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
3. The use will not result in the significant removal of adjacent contracted lands from agricultural or open space uses because cannabis cultivation as a compatible use will be limited due to the Uniform Rules' limitation on the area that all compatible uses may collectively occupy for any parcel of contracted land, which is 5 acres or 15% of the land under contract, whichever is less, unless an exception is granted by the Board of Supervisors after making certain findings to ensure compatibility; and
4. The use will not result in an increase in the density of the permanent or temporary human population of the agricultural area because the use is not a residential use, because the use is not expected to result in the extension of urban services or infrastructure to agricultural areas, and because the use is limited to cultivation of cannabis, and expressly excludes manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products, which uses could result in an increase in the density of the temporary human population of the area;

Be It Further Resolved that cannabis related uses are not deemed to be compatible uses on any contracted land that includes qualifying open space; and

Be It Further Resolved that the Board of Supervisors amends Uniform Rules 2.0, 4.0, 7.0, and 8.0 of the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones to read as attached in Exhibit C-1.

Be It Further Resolved that the Board of Supervisors hereby directs the Permit and Resource Management Department (PRMD) to submit this amendment to the Department of Conservation; and

Be It Further Resolved that the Board of Supervisors designates the Clerk of the

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Board as the custodian of the documents and other materials which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403; and

Be It Further Resolved that staff shall take all steps necessary to effectuate this action of the Board of Supervisors.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced on the 6th day of December, and passed and adopted this 20th day of December, 2016, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin:

Rabbitt:

Zane:

Gore:

Carrillo:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

AFFECTS ONLY:
UNIFORM RULES 2.0, 4.0, 7.0, AND 8.0

Sonoma County
UNIFORM RULES
for
Agricultural Preserves and Farmland Security Zones

Adopted: December 13, 2011 (Resolution No. 11-0678)

Amended: July 31, 2012 (Resolution No. 12-0379)

Amended: May 7, 2013 (Resolution No. 13-0186)

Amended: December __, 2016 (Resolution No. 16-__)

Uniform Rule 2.0 - Definitions.

2.1 List of Terms and Phrases.

As used in these uniform rules, the following terms and phrases shall have the meanings ascribed to them in this section, unless the context in which they are used clearly requires otherwise. Some of the terms and phrases defined in this section are taken directly from the Land Conservation Act. The definitions in the Land Conservation Act may be amended from time to time by state legislation. Any changes to the Land Conservation Act's definitions shall supercede the definitions included in this section. The definition of a term or phrase applies to any of that term's or phrase's variants.

“Agricultural Commodity” means any and all plant and animal products produced within the county for commercial purposes, including plant products used for producing biofuels, but excluding cannabis.

“Agricultural Contracted Land” means any agricultural land restricted by a land conservation contract.

“Agricultural Land” means prime and non-prime agricultural land.

“Agricultural Preserve” means an area devoted to agricultural or open space uses and which is established in accordance with the provisions of the Land Conservation Act and these uniform rules.

“Agricultural Use” means use of land, including greenhouses, for the purpose of producing an agricultural commodity for commercial purposes. Notwithstanding any provisions of these Uniform Rules to the contrary, “agricultural use,” does not include or mean the use of land for the purpose of cultivating or producing cannabis or cannabis related products.

“Annual Renewal Date” means January 1st of each year.

“Board of Supervisors” means the Board of Supervisors of Sonoma County, California.

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means marijuana as defined by Section 11018 of the Health and

Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this Uniform Rules, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

“Clerk of the Board” means the Clerk of the Board of Supervisors.

“Compatible Use” means any use determined by the County pursuant to the Land Conservation Act and these uniform rules to be compatible with the primary agricultural or open space use of land within the preserve and subject to contract. Compatible use includes agricultural use, recreational use, or open space use unless the Board of Supervisors finds after notice and hearing that the use is not compatible with the

agricultural or open space use to which the land is restricted by contract pursuant to the Land Conservation Act and these uniform rules.

“Contiguous” means sharing a common boundary or boundaries. Land shall be considered contiguous even if it is separated by roads, streets, utility fees or easements, or railroad rights-of-way.

“Contracted Land” means any agricultural or open space land restricted by a land conservation contract.

“County” means the county of Sonoma, in the state of California.

“Devoted to Agricultural or Open Space Uses” means when agricultural or open space land is used or maintained in compliance with the requirements of Section 4.2.B of these uniform rules.

“Director” means the Director of the Permit and Resource Management Department or his or her authorized representative.

“Dwelling” means single-family dwelling.

“Farmland Security Zone Contract” means a farmland security zone contract entered into pursuant to the Land Conservation Act and these uniform rules.

“Farm Stay” means transient lodging accommodations containing five or fewer guestrooms in a single-family dwelling or guest quarters provided as part of a farming operation, with an on-site farmer in residence, that includes all meals provided in the price of the lodging, and that meets all of the standards in the Zoning Code.

“General Plan” means the Sonoma County General Plan and the Sonoma County Local Coastal Plan.

“Guest Quarters” means an accessory building that consists of a detached living area of a permanent type of construction with no provisions for appliances or fixtures for the storage or preparation of food, including refrigerators, dishwashers, and cooking facilities. The building shall not be leased, subleased, rented, or sub-rented separately from the primary dwelling. The floor area of a guest quarters shall be a maximum of 640 square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest quarters and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purposes of calculating the maximum size of a guest quarters, any storage area attached to the guest quarters, excluding garage, shall be included. A guest quarters shall be located not more than 100 feet from the primary dwelling on the subject parcel.

“Immediate Family Member” means a spouse, natural or adopted child, parent, or sibling.

“Land Conservation Act” means the California Land Conservation Act of 1965, Government Code section 51200 et seq.

“Land Conservation Contract” or “Contract” means a land conservation contract entered into pursuant to the Land Conservation Act and these uniform rules.

“Land Conservation Plan” means a plan detailing the agricultural or open space uses of the land restricted by a land conservation contract or farmland security zone contract, including the types of uses and land areas involved.

“Managed Wetland Area” means an area, which may be an area diked off from the ocean or any bay, river, or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

“Non-prime Agricultural Land” means land in agricultural use that is not prime agricultural land. Non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year round row crops, ornamental trees or flowers, and dry farming.

“Open Space Contracted Land” means any open space land restricted by a land conservation contract.

“Open Space Land” means land in open space use.

“Open Space Use” means the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if the land is within any of the following:

1. A scenic highway corridor.
2. A wildlife habitat area.
3. A saltpond.
4. A managed wetland area.
5. A submerged area.
6. An area enrolled in the United States Department of Agriculture Conservation Reserve Program or Conservation Reserve Enhancement Program.

“Parcel” means legal parcel.

“Permit and Resource Management Department” means the Sonoma County Permit and Resource Management Department.

“Primary dwelling” means a single-family dwelling that meets the requirements of Sections 8.3.A.1 or 8.5.A.1 of these uniform rules.

“Prime Agricultural Land” means any of the following:

1. Land that qualifies for rating as class I or class II in the National Resource Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that is planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements in Table 4-2 of these uniform rules.

4. Land that has returned from the production of unprocessed agricultural plant products an annual gross value which meets the minimum income requirements in Table 4-2 of these uniform rules.

“Private Family Burial Plots” means up to five graves for the landowner and immediate family members of the landowner.

“Recreational Use” means the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Specific recreational uses and accessory structures necessary for a recreational use are allowed on contracted land only if they are listed as a compatible use under these uniform rules.

“Saltpond” means an area which, for at least three consecutive years immediately prior to being placed within an agricultural preserve, has been used for the solar evaporation of seawater in the course of salt production for commercial purposes.

“Scenic Highway Corridor” means an area adjacent to, and within view of, the right-of-way of:

1. An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the California Department of Transportation as an official state scenic highway; or
2. A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:
 - a. The scenic highway is included in the General Plan;
 - b. The scenic highway corridor is included in an adopted specific plan of the County; and
 - c. Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county highway has been

officially designated by the California Department of Transportation as an official county scenic highway.

“Single-Family Dwelling” means a building designed and/or occupied exclusively by one family.

“Special Event” means a festival, concert, theatrical presentation, wedding, wedding reception, party, race, rally, rodeo, or other activity that attracts a large gathering of people, either as participants or spectators.

“State Designated Farmland of Local Importance” means land designated as predominantly farmland of local importance on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

“State Designated Farmland of Statewide Importance” means land designated as predominantly farmland of statewide importance on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

“State Designated Important Farmland” means state designated prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance.

“State Designated Prime Farmland” means land designated as predominantly prime farmland on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

“State Designated Unique Farmland” means land designated as predominantly unique farmland on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

“Submerged Area” means any land determined by the Board of Supervisors to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space.

“Timber/Forestry Land” means land in timber or forestry use.

“Wildlife Habitat Area” means a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the

California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat area shall include any land area designated in the General Plan as a biotic habitat area or riparian corridor.

“Zoning Code” means the Sonoma County Zoning Code and the Sonoma County Coastal Zoning Code.

Uniform Rule 4.0 - Eligibility of Land for Contract.

4.1 Introduction.

Before land may qualify for a land conservation contract, it must meet the eligibility requirements specified in Section 4.2 of these uniform rules. Once land is under contract, it must continue to meet those eligibility requirements for the duration of the contract.

4.2 Eligibility Requirements.

No application for a new or replacement land conservation contract shall be approved by the Board of Supervisors unless all of the following requirements are met:

- A. The land proposed to be restricted by the contract must be located within an existing agricultural preserve. The Board of Supervisors may approve an application for the establishment or alteration of an agricultural preserve concurrently with its approval of an application for a contract or contracts within the preserve.
- B. The land proposed to be restricted by the contract must be agricultural or open space land devoted to agricultural or open space uses. Mere intent to devote agricultural or open space land to agricultural or open space uses shall be insufficient to qualify the land for a contract. For the purposes of these uniform rules, agricultural or open space land shall be deemed to be devoted to agricultural or open space uses when:
 - 1. Except as otherwise specified in Subsections 2 and 3 below, a minimum of 50 percent of the land is continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses, unless the Board of Supervisors finds that:
 - a. More than 50 percent of the land is not suitable for agricultural or open space uses due to soil, slope, geologic, or other significant constraints;

- b. The remainder of the land is continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses; and
 - c. Placing the land under contract is consistent with the purpose and intent of the Land Conservation Act and these uniform rules.
 - 2. For less than 40 acres of prime agricultural land devoted to a combination of agricultural and open space uses, a minimum of 10 acres is planted in a permanent crop.
 - 3. For less than 12 acres of prime agricultural land devoted to agricultural uses, a minimum of six acres is planted in a permanent crop.
- C. The land proposed to be restricted by the contract must be comprised of a single parcel that meets the minimum parcel size requirements in Table 4-1.

Table 4-1 - Minimum Parcel Size Requirements

Land Type	Minimum Parcel Size
Prime Agricultural Land	10 Acres
Non-Prime Agricultural Land, Open Space Land, Timber/Forestry Land	40 Acres

- D. The land proposed to be restricted by the contract must meet the annual income requirements in Table 4-2. Except as otherwise specified in Table 4-2, annual income shall be computed on the basis of annual gross revenue per planted acre per year. For the purposes of these uniform rules, annual income may be calculated using actual income data, or if actual data is not available, using projected income figures for existing permanent planted crops, and may be calculated as an average of three of the previous five years' annual income. Only income data from agricultural use of the land shall be used to determine whether the annual income requirement is met.

Table 4-2 - Annual Income Requirements

Land Type/Crop Type	Annual Income
Prime Agricultural Land - Vines and Bushes (i.e., Grapes, Berries, Hops)	Not less than \$1,000.00 per Planted Acre
Prime Agricultural Land - Fruit or Nut Trees (i.e., Apples, Olives, Pears, Walnuts)	Not less than \$300.00 per Planted Acre
Prime Agricultural Land - Other Unprocessed Agricultural Plant Products	Not less than \$200.00 per Planted Acre
Non-Prime Agricultural Land - Grazing, Hay Production, Non-Permanent Row Crops, Livestock Production, Horse Breeding, or Other Unprocessed Agricultural Plant or Animal Products	Not less than \$2,000.00 Gross Total Income per Farm Operation and \$2.50 Gross Income per Acre of Production
Open Space	Not Applicable
Timber/Forestry	Not Applicable

- E. Any use of the land proposed to be restricted by the contract, other than permitted agricultural or open space uses, must be a compatible use allowed under Uniform Rule 8.0 of these uniform rules.

Uniform Rule 7.0 - Agricultural and Open Space Uses.

7.1 Introduction.

Land restricted by a land conservation contract must be devoted to agricultural or open space uses.

7.2 Agricultural Uses.

A. Qualifying agricultural uses. To be a qualifying agricultural use a use must meet the definition of “agricultural use,” under Uniform Rule 2.0, and be one or more of the following:

1. General farming and the raising, growing, and harvesting of vegetables, field, orchard, bush and berry crops, vineyards, and trees.
2. Commercial growing of flowers.
3. Stock nurseries, greenhouses, floriculture, and horticulture.
4. Commercial growing of irrigated pasture crops.
5. Commercial growing of ornamental trees.
6. Commercial raising of livestock, swine, goats, llamas, poultry, rabbits, birds, fish, frogs, and similar animals produced for food or fiber.
7. Commercial growing of mushrooms.
8. Commercial vermiculture.
9. Beekeeping.
10. Commercial raising of fur-bearing animals.
11. Commercial horse breeding, when the annual breeding operation consists of at least 15 brood mares.

12. Forestry, when at least 50 percent of the parcel is classified as timberland and is subject to an approved timber management plan.
- B. Accessory Agricultural Uses and Structures. The following uses and structures, provided that they are incidental, related, and subordinate to a qualifying agricultural use:
1. Preparation for market of agricultural commodities in their natural state, which are grown or raised on-site or in the local area, including the following activities: sorting, grading, sizing, polishing, cleaning, packing, cooling, and shipping. Preparation under this subsection shall not include processing of an agricultural commodity beyond the natural state.
 2. Facilities and structures utilized in conjunction with the preparation of an agricultural commodity described in Subsection 1 above.
 3. Storage of agricultural commodities in their natural state, and facilities for such storage, including barns, silos, and other structures for the storage of agricultural commodities in their natural state.
 4. Non-commercial composting.
 5. Agricultural wells.
 6. Wastewater treatment ponds where the recycled water is used for irrigation purposes.
 7. Wind machines, reservoirs, and other structures used for frost protection.
 8. Irrigation infrastructure, including reservoirs, pumps, windmill powered pumps, tanks, and wells.
 9. Structures used to store equipment, vehicles, and other items or goods used exclusively for the production of an agricultural commodity or commodities on the contracted land.
 10. Fencing, corrals, paddocks, and other similar structures used in the commercial raising of plants or animals for food or fiber.

11. Renewable energy power generation facilities providing power primarily for on-site use.
12. Private internal and access roads for farm equipment and farm operations.

7.3 Open Space Uses.

Qualifying open space uses shall be limited to those uses that meet the definition of “open space use” under these uniform rules.

Uniform Rule 8.0 - Compatible and Incompatible Uses.

8.1 Introduction.

Land under a land conservation contract must be devoted to agricultural or open space uses. However, the County recognizes that it may be appropriate to allow other uses of contracted land that are compatible with the agricultural or open space uses on the land. This uniform rule enumerates certain uses that the County considers compatible on contracted land if they are limited in area. This uniform rule also enumerates certain uses that the County considers incompatible on contracted land. The limitation on area of compatible uses, as provided herein, may only be exceeded if the requirements of Section 8.2.B of these uniform rules are met, to ensure that use of the contracted land is consistent with the purposes and intent of the Land Conservation Act and these uniform rules.

8.2 Area limitation and exceptions.

- A. The compatible uses enumerated under this uniform rule may be allowed on contracted land if they collectively occupy no more than 15% of the contracted land as a whole, or 5 acres, whichever is less, excluding public roads, private access roads, and driveways.
- B. The area limitation imposed by Subsection A above may be exceeded for a proposed compatible use only where the Board of Supervisors finds that:
 - 1. The use is enumerated as a compatible use by these uniform rules;
 - 2. The contracted land will continue to be devoted to agricultural or open space uses;
 - 3. The use complies with the requirements of Government Code sections 51238.1 through 51238.3;
 - 4. The use will not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the contracted land;
 - 5. The use will not require and will not encourage the extension of urban services such as public sewer or water, or the upgrade of

public roads to urban standards that could encourage premature conversion of agricultural land to non-agricultural uses;

6. The use will not include a residential subdivision on the subject parcel;
7. The use is consistent with the General Plan and Zoning Code; and
8. The use will not significantly change the character, appearance, or operation of the agricultural or open space uses of the contracted land.

8.3 Compatible Uses - Agricultural Contracted Land.

The following uses are considered compatible with agricultural uses on any agricultural contracted land, if allowed by the underlying zoning.

A. Residential Uses.

1. Primary dwelling. A single-family dwelling occupied by the landowner or farm operator.
2. Farm family dwelling. An additional single-family dwelling, provided that:
 - a. The dwelling is incidental to the primary dwelling in terms of size, location, and architecture;
 - b. The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale; and
 - c. The dwelling is occupied by the farm operator or an immediate family member of the landowner or farm operator.
3. Agricultural employee dwellings. Additional single-family dwellings, provided that each dwelling is occupied by a full-time agricultural employee or employees.
4. Farmworker housing. Housing for seasonal and year-round farmworkers.

5. Accessory uses and structures. The following uses and structures, provided that they are incidental, related, and subordinate to a compatible residential use:
 - a. Private garage.
 - b. Workshop.
 - c. Patios, decks, gazebos, and similar structures.
 - d. Domestic wells and septic systems.
 - e. Fences.
 - f. Sport courts (i.e. tennis, bocce ball, or basketball).
 - g. Swimming pool with or without a pool house.
 - h. Guest quarters.
 - i. Home occupation.
 - j. Small family day care home providing day care to 8 or fewer children, including children under the age of 12 who reside at the home.
- B. Agricultural Support Uses.
1. Processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.
 2. Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer's markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.
 3. Facilities for and the conduct of services supporting the production of an agricultural commodity for commercial purposes within the

county, including veterinary services and farm equipment repair services.

4. Wells, septic systems, and wastewater treatment ponds necessary for agricultural support uses.
- C. Recreational Uses.
1. Fishing or hunting of wildlife, including fishing and hunting clubs.
 2. Unpaved trails, when used for hiking, horseback riding, or non-motorized cycling.
 3. Picnicking, swimming, or non-motorized boating.
 4. Passive recreational activities, including frisbee or paintball, when there is no alteration to terrain.
 5. Accessory structures incidental, related, and subordinate to allowed recreational uses.
- D. Raising, Breeding, and Boarding of Animals.
1. Raising, breeding, and boarding of domestic animals.
 2. Raising, breeding, and boarding of horses, including training and rentals, riding or equestrian clubs, riding academies, riding arenas, and individual or group riding lessons.
 3. Raising, breeding, and boarding of farm animals, including livestock, goats, llamas, poultry, rabbits, pigs, birds, fish, frogs and similar animals.
- E. Resource Extraction and Energy Production Facilities.
1. Water, oil, gas, and steam wells.
 2. Renewable energy power generation facilities providing power primarily for off-site use, when the facilities are located on non-prime agricultural land that is not state designated prime farmland, farmland of statewide importance, or unique farmland.

3. Mining or mineral extraction, quarrying, and screening, but not including crushing or other refining, preparing, or processing of raw materials. While the mining or mineral extraction, quarrying, or screening activity continues, raw materials mined on the contracted land may be stored or stockpiled on the contracted land for a reasonable time, but not more than 90 days, prior to being transported off-site for such crushing, refining, preparing, or processing.
4. Forestry and logging, but no processing of raw materials, logging mills (other than portable mills for temporary use), or mill ponds.

F. Communication and Utility Transmission Facilities.

1. Communication transmission facilities, including antennas, towers, transmitters, cables, and wires.
2. Gas, electric, or water transmission facilities.

G. Cannabis. The cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in its natural state. This compatible use category expressly excludes manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products.

GH. Miscellaneous.

1. Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that:
 - a. The events last no longer than two consecutive days and do not provide overnight accommodations: and
 - b. No permanent structure dedicated to the events is constructed or maintained on the contracted land.
2. Farm Stays, provided that:
 - a. Guest occupancy is limited to a maximum of 10 guests; and
 - b. Agricultural commodities produced on the contracted land are marketed to the guests.

3. Public roads, private access roads, and driveways.
4. Mitigation sites for preservation of habitat for rare, threatened, or endangered species.
5. Carbon sequestration areas acknowledged by a federal, state, or local governmental agency as offsetting greenhouse gas impacts and contributing to the attainment of established greenhouse gas reduction goals.
6. Private family burial plots.
7. Any other use determined by the Board of Supervisors pursuant to Government Code section 51238.1 to be compatible with the agricultural or open space use of land within an agricultural preserve and subject to contract.

8.4 Incompatible Uses - Agricultural Contracted Land.

The following uses are considered incompatible with agricultural uses on any agricultural contracted land:

- A. Golf courses.
- B. Public, commercial, or private club use of motorized boats, motorcycles, vehicles, aircraft, or similar motorized uses for recreation.
- C. Public, commercial, or private club use of land for field sports, including baseball, softball, polo, soccer, lacrosse, and football, or similar activities.
- D. Public, commercial, or private club use of land for camping. Tent platforms, structures, and other facilities to support camping are not permitted.

8.5 Compatible Uses - Open Space Contracted Land.

The following uses are considered compatible with open space uses on any open space contracted land if allowed by the underlying zoning.

A. Residential Uses.

1. Primary dwelling. A single-family dwelling occupied by the landowner or caretaker of the contracted land. If the contract does not identify the location of the dwelling, it may be located anywhere on the contracted land where it is otherwise legally permitted and does not interfere with or impair the open space use of the contracted land.
2. Accessory uses and structures. The following uses and structures, provided that they are incidental, related, and subordinate to a compatible residential use:
 - a. Private garage.
 - b. Workshop.
 - c. Patios, decks, gazebos, and similar structures.
 - d. Domestic wells and septic systems.
 - e. Fences.
 - f. Swimming pool with or without a pool house.
 - g. Guest quarters.
 - h. Home occupation.
 - i. Small family day care home providing day care to 8 or fewer children, including children under the age of 12 who reside at the home.

B. Passive Recreational Uses. Recreational uses that are limited, non-intensive, non-motorized, incidental, and passive, provided that such recreational uses, and limits and conditions on such uses, are expressly stated in the contract, which may preclude recreational uses completely. Passive recreational uses expressly stated in the contract may include hiking, horseback riding, non-motorized cycling, hunting, fishing, scenic viewing, and similar recreational activities.

C. Scientific and Educational Uses.

Scientific research and educational study, provided that it does not result in the removal or disturbance of significant vegetation, geologic or biological features, or land forms. Facilities exclusively for educational and scientific use may be constructed and maintained, but shall be limited to 2500 cumulative square feet for the contracted land.

D. **Agricultural Uses.** Limited agricultural uses, provided that such uses are expressly permitted in the contract and do not impair the open space use of the contracted land.

E. **Miscellaneous.**

1. Special events, when directly related to open space education, provided that:
 - a. The events last no longer than two consecutive days and do not provide overnight accommodations; and
 - b. No permanent structure dedicated to the events is constructed or maintained on the contracted land.
2. Mitigation sites for preservation of habitat for rare, threatened, or endangered species.
3. Carbon sequestration areas acknowledged by a federal, state, or local governmental agency as offsetting greenhouse gas impacts and contributing to the attainment of established greenhouse gas reduction goals.
4. Private family burial plots.
5. Any other use determined by the Board of Supervisors pursuant to Government Code section 51238.1 to be compatible with the agricultural or open space use of land within an agricultural preserve and subject to contract.

8.6 Incompatible Uses - Open Space Contracted Land.

A. Permanent structures are considered incompatible with open space uses on any open space contracted land, except as provided in Sections 8.5.A and 8.5.C of these uniform rules.

B. The following uses are considered to be uses incompatible with open space uses on any contracted land: (1) the cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis; and (2) manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products.